



General Assembly

Amendment

February Session, 2002

LCO No. 4699

HB0552104699HD0

Offered by:

REP. GREEN, 1st Dist.
REP. HYSLOP, 39th Dist.
REP. DIAMANTIS, 79th Dist.
REP. RACZKA, 100th Dist.
REP. REINOSO, 130th Dist.
REP. SPALLONE, 36th Dist.
REP. HAMM, 34th Dist.
REP. CURREY, 10th Dist.
REP. O'CONNOR, 35th Dist.
REP. PAWELKIEWICZ, 49th Dist.
REP. ABRAMS, 83rd Dist.
REP. MURPHY, 81st Dist.

REP. DILLON, 92nd Dist.
REP. GONZALEZ, 3rd Dist.
REP. CARTER, 7th Dist.
REP. SHARKEY, 103rd Dist.
REP. STONE, 9th Dist.
REP. DONOVAN, 84th Dist.
REP. DEMARINIS, 40th Dist.
REP. GERRATANA, 23rd Dist.
REP. CARUSO, 126th Dist.
REP. URBAN, 43rd Dist.
REP. WILLIS, 64th Dist.
REP. WALKER, 93rd Dist.

To: House Bill No. **5521**

File No. 408

Cal. No. 246

(As Amended)

"AN ACT CONCERNING SEARCH WARRANTS."

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- 1 Strike section 4 in its entirety and insert the following in lieu thereof:
- 2 "Sec. 4. (NEW) (*Effective October 1, 2002, and in effect until October 1,*
- 3 2004) (a) A prosecuting official who seeks to issue a subpoena under
- 4 section 3 of this act shall submit an application to a judge of the
- 5 Superior Court. Such application shall include an affidavit sworn to by

6 such prosecuting official stating:

7 (1) That such official has reasonable grounds to believe that a class
8 A or B felony has been committed, and the facts that form the basis for
9 such belief;

10 (2) That such official has reasonable grounds to believe that the
11 person to be summoned to appear and give testimony or produce
12 property has information relevant and necessary to the investigation
13 concerning the alleged commission of a class A or B felony, and the
14 facts that form the basis for such belief;

15 (3) That such official has reasonable grounds to believe that the
16 appearance and testimony of such person or the production of
17 property by such person would not occur or be available without the
18 issuance of a subpoena, and the facts that form the basis for such belief;

19 (4) That such official has made reasonable efforts to secure such
20 appearance, testimony and property without recourse to a subpoena
21 and those efforts have been unsuccessful; and

22 (5) The full and complete facts and circumstances of any prior
23 application for an investigative subpoena.

24 (b) If the judge finds that the provisions of subsection (a) of this
25 section have been satisfied, such judge may grant the application for
26 the issuance of a subpoena by such prosecuting official."